

REMARKS

The application has been amended in a manner that is believed to place the same in condition for allowance at the time of the next Official Action.

Claims 19-21 were rejected for indefiniteness. That rejection is overcome by making each of claims 19 and 21 depend from claim 16, rather than from 14.

Claims 14, 15, and 23 as they previously appeared in the case were rejected as allegedly being anticipated by U.S. Patent No. 4,485,801 (US '801). That rejection is respectfully traversed, for the following reasons.

The above rejection is premised on considering exterior heating means to be inherently disclosed in the '801 patent since the device of the reference is intended for use with conventional pan heating means.

However, it is clear that the device of the '801 patent does not include any heater, in contrast to the claimed invention. See, for example, page 2, lines 23 and 31-33; page 7, lines 32-34; and page 12, lines 27-33 of the present specification.

Indeed, the recitation of the claimed invention as an "assembly" including a heater is distinct from the disclosure of the '801 patent, in which no heater is assembled with the pan.

The independent claims 14, 27, and 28 are amended herewith to make that distinction between the claimed invention

and the '801 reference more plain, and in a manner that is adequately supported by the specification as filed, thereby to prevent any intended reading of the claims on the disclosure of the '801 patent.

Claims 16-21 and 24-30 were rejected under 35 USC §103(a) as allegedly being unpatentable over the '801 patent in view of U.S. Patent Appln. 2004/0094532 (US '532). That rejection is also respectfully traversed.

The '532 application is not prior art to the present application. In particular, the attached Rule 131 Declaration of the inventor, Emmanuel ROMERO, establishes that a device responding to the recitations of the present claims was successfully reduced to practice prior to January 14, 2002, which is the earliest possible effective date of the '532 application as a reference under 35 USC §102(e).

The last ground of rejection, namely that of claim 22 as allegedly being unpatentable based on the '801 patent in view of U.S. Patent No. 5,174,273 (US '273), is also respectfully traversed.

US '273, if combined with US '801 in the manner proposed in the outstanding Official Action, would not achieve the subject matter now recited in claim 22, by virtue of the dependency of that claim from the amended claim 14. Furthermore, no proper combination of those two references is seen, that would

achieve the subject matter of claim 22 as it now appears in the case.

In view of the present amendment and the attached Rule 131 Declaration and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 14-30, as amended. Allowance and passage to issue on that basis are accordingly respected.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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Appendix:

The Appendix includes the following item:

- Rule 131 Declaration of Emmanuel ROMERO